

EXHIBIT 23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAMUEL M. ROBERTS,

Plaintiff,

-VS-

LOS ALAMOS NATIONAL SECURITY, LLC,
AWE, PLC, and
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Defendants,
Third-Party Plaintiffs,

**UNIVERSITY OF ROCHESTER'S
RESPONSE TO PLAINTIFF
SAMUEL M. ROBERTS' FIRST
SET OF INTERROGATORIES**

Civil Case No.: 11-cv-6206(L)

-VS-

UNIVERSITY OF ROCHESTER,

Third-Party Defendant.

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and pursuant to the Local Rules of Civil Procedure of the United States District Court for the Western District of New York, Third-Party Defendant, University of Rochester ("UR") by its attorneys, Ward Greenberg Heller & Reidy, LLP, responds to Plaintiff Samuel M. Roberts' ("Plaintiff") First Set of interrogatories (the "Interrogatories"), as follows:

GENERAL STATEMENTS

1. The responses set forth below are based upon information currently known to UR. UR submits these responses without waiving or intending to waive the right to object on any of the following bases: competence, relevance, materiality, privilege or admissibility. UR further expressly reserves the right to object to the use of these responses as evidence for any purpose, including but not limited to the use of these responses in any subsequent proceeding or in the trial of this or any other action.

RESPONSE:

UR objects to this Interrogatory on the grounds that it purports to inquire about issues, or seek information or require production of information, not within UR's possession, custody, or control. Specifically, whether "employee(s) of LANS, MIT or AWE . . . had observed or seen the Light Pipe or its pressurized gas system on or before August 8, 2008" seeks information within the exclusive control of other parties to this litigation, namely LANS, MIT or AWE. UR further objects to this Interrogatory on the grounds that "pressurized gas system" is undefined and therefore vague and ambiguous. UR also objects to this Interrogatory on the grounds that it seeks information not relevant to a claim or defense in this litigation. Specifically, it seeks information regarding "the Light Pipe and/or its pressurized gas system on or prior to August 8, 2008" which includes dates after the incident at the center of this litigation. Subject to and without waiving the foregoing specific objections or general objections, UR refers Plaintiff to its response to Interrogatory No. 6.

INTERROGATORY NO. 8:

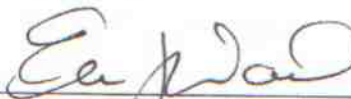
Identify any and all manuals, guides, policies, rules or regulations relating to the LLE that were provided to LANS, MIT or AWE on or before August 6, 2008.

RESPONSE:

UR objects to this Interrogatory on the grounds that the terms "manuals, guides, policies, rules or regulations" and "provided" are undefined and therefore vague and ambiguous. UR further objects to this Interrogatory on the grounds that is overly broad as not limited in scope. Subject to and without waiving the foregoing specific objections or general objections, UR states that LANS, MIT and AWE personnel were required to adhere to applicable provisions within the LFORM, which has been previously produced in this litigation, and which was available on LLE's publically accessible website.

Dated: April 25, 2012

WARD GREENBERG HELLER & REIDY LLP

A handwritten signature in dark ink, appearing to read "Eric J. Ward", is written over a horizontal line.

Eric J. Ward

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